

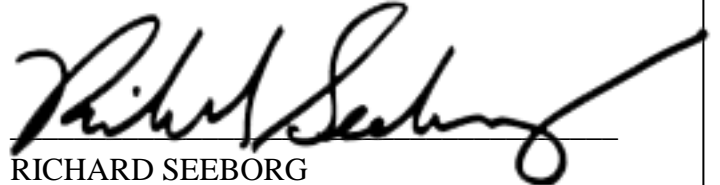
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAIN RE OPTICAL DISK DRIVE
PRODUCTS ANTITRUST LITIGATIONCase No. 10-md-02143-RS
MDL No. 2143This document relates to: ALL INDIRECT
PURCHASER ACTIONS**ORDER RE SECOND DISTRIBUTION**

The previously set date for making the second distribution is vacated. The order of April 7, 2022, called for “a final pro rata payment to all payees who took a payment in the Initial Payment Offering.” Class counsel asserts payment of \$133.93 to each of the 249,574 class members who accepted their payment in the initial distribution is consistent with that order because it is “a flat pro rata amount.” The term “pro rata,” however, means proportional, and “flat pro rata” is an oxymoron.

Although there might be certain efficiencies generally benefiting the class from a flat amount distribution in the second round, the remaining fund exceeds \$33 million—a sum that by itself would represent a relatively large settlement in many instances. The equities support requiring distribution on a pro rata basis.

To eliminate the issue of *de minimus* payments, each of the 249,574 payees shall receive the base sum of \$5, plus a prorated share of the balance of the fund. As soon as practical, class counsel shall provide an updated target date for the distribution. Except to the extent that this order provides some or all of the relief sought by the “emergency motion” filed by Pat Zheng Zhen, that motion is denied.

Dated: September 13, 2022



RICHARD SEEBORG
Chief United States District Judge

United States District Court
Northern District of California